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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,056	03/31/2004	Niniane Wang	53051/294541	5718

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FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041

EXAMINER	
DAYE, CHELCIE L	
ART UNIT	**PAPER NUMBER**
2161	

DATE MAILED: 10/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/814,056	WANG ET AL.	
	Examiner	Art Unit	
	Chelcie Daye	2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 March 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-37* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-37* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *31 March 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *10/12/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is issued in response to Application filed March 31, 2004.

2. Claims 1-37 are pending.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 10/12/2004 was filed after the mailing date of the application on 3/31/2004. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

5. Claims 4,6,10,12,13,24,26,30,32,and 33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 4,6,10,12,13,24,26,30,32,and 33, the term "if" is a relative term, which renders the claims indefinite. The term "if" is considered alternative language, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Due to the language of the above stated claims, examiner is unsure of what the outcome would be if the statement were not applied. Therefore, the

above stated claims will be examined without giving weight to the term "if". Further corrections needed.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-37 are rejected under 35 U.S.C. 101 because the claimed invention lacks patentability utility.

The basis of this rejection is set forth in a test of whether the invention is categorized as a process, machine, manufacture or composition of matter and if the invention produces a useful, concrete and tangible result. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) are found to be non-statutory subject matter. For a method claim to pass muster, the recited process must produce a useful, concrete and tangible result.

In the present case, claims 1-37 recite a method for obtaining, providing, and possibly updating content. However, the method disclosed merely determines/figures out whether to update a display with the search results. Therefore, the method fails to produce a tangible and useful result from the processed information, which is now simply manipulation of an abstract idea.

To expedite a complete examination of the instant application, the claims rejected under 35 U.S.C. 101 (lack of utility) above are further rejected as set forth below in anticipation of applicant amending these claims to place them within the four statutory categories of invention with utility.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1-6,9-11,14-26,29-31,and 34-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Travis (US Patent Application No. 20040215607) filed April 25, 2003, in view of Linden (US Patent Application No. 20020019763) filed March 29, 2001.

Regarding Claims 1 and 21, Travis discloses a method comprising:

obtaining from an index a search result associated with a search query ([0004], lines 1-8, Travis), the search result comprising a first article identifier(Fig.2A; [0026], lines 8-10, Travis)[1];

providing a content display comprising a second article identifier (Fig.2A; [0026], lines 12-14, Travis)[2]. However, while Travis discloses the content display (Fig.1B), Travis is silent with respect to determining whether to update the content display with the search result. On the other hand, Linden discloses determining whether to update the content display with the search result ([0195], Linden). Travis and Linden are analogous art because they are from the same

field of endeavor of determining the relationship between items in viewable areas. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Linden's teachings into the Travis system. A skilled artisan would have been motivated to combine as suggested by Linden at [0012], in order to identify items that are related to one another based on the activities of a group of users. As a result, providing personalized item recommendations to users along with related items.

Regarding Claims 2 and 22, the combination of Travis in view of Linden, disclose the method wherein the first article identifier comprises a first relevancy measure, and the second article identifier comprises a second relevancy measure (Fig.2A; [0026], lines 8-14, Travis)[3].

Regarding Claims 3 and 23, the combination of Travis in view of Linden, disclose the method wherein determining whether to update the content display comprises comparing the first relevancy measure with the second relevancy measure ([0029], lines 7-12, Travis).

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[1] Examiner Notes: Fig.2A, item 266 corresponds to the first article identifier.
[2] Examiner Notes: Fig.2A, the second results 260-2, represent the second article identifier.
[3] Examiner Notes: Fig.2A, item 268 corresponds to the first relevancy measure and item 274 corresponds to the second relevancy measure.

Regarding Claims 4 and 24, the combination of Travis in view of Linden, disclose the method further comprising updating the content display if the first relevancy measure exceeds the second relevancy measure ([0029], Travis).

Regarding Claims 5 and 25, the combination of Travis in view of Linden, disclose the method wherein the search query is a current search query and wherein determining whether to update the content display comprises comparing the current search query to a previous search query associated with the content display ([0031], lines 18-31, Travis).

Regarding Claims 6 and 26, the combination of Travis in view of Linden, disclose the method further comprising updating the content display if the difference between the current search query and the previous search query differs by more than a predetermined percentage or amount ([0081], Linden).

Regarding Claims 9 and 29, the combination of Travis in view of Linden, disclose the method wherein determining whether to update the content display comprises comparing the first article identifier to the second article identifier ([0029], lines 7-12, Travis).

Regarding Claims 10 and 30, the combination of Travis in view of Linden, disclose the method further comprising updating the content display if the first article identifier and the second article identifier are different ([0029], Travis).

Regarding Claims 11 and 31, the combination of Travis in view of Linden, disclose the method wherein determining whether to update the content display comprises monitoring a mouse pointer associated with the content display ([0025], Travis).

Regarding Claims 14 and 34, the combination of Travis in view of Linden, disclose the method further comprising updating the content display ([0195], Linden).

Regarding Claims 15 and 35, the combination of Travis in view of Linden, disclose the method wherein updating the content display comprises replacing the first article identifier with the second article identifier ([0027], Travis).

Regarding Claims 16 and 36, the combination of Travis in view of Linden, disclose the method wherein the first article identifier comprises a first plurality of article identifiers and the second article identifier comprises a second plurality of article identifiers and further comprising replacing the second plurality of article identifiers with the first plurality of article identifiers (Fig.2A; [0027], Travis).

Regarding Claims 17 and 37, the combination of Travis in view of Linden, disclose the method wherein the first article identifier comprises a first plurality of article identifiers and the second article identifier comprises a second plurality of article identifiers and further comprising merging the first plurality of article identifiers with the second plurality of article identifiers (Fig.2A; [0029], lines 1-4, Travis).

Regarding Claims 18-20, the combination of Travis in view of Linden, disclose the method wherein the index comprises a global index ([0055], Travis) and a local index ([0003], lines 1-9, Travis).

8. Claims 7-8 and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Travis (US Patent Application No. 20040215607) filed April 25, 2003, in view of Linden (US Patent Application No. 20020019763) filed March 29, 2001, as applied to claims 1-6,9-11,14-26,29-31,and 34-37 above, and further in view of Barrett (US Patent Application No. 20030135490) filed January 15, 2002.

Regarding Claims 7 and 27, the combination of Travis in view of Linden, disclose all of the claimed subject matter as stated above. However the combination of Travis in view of Linden, are silent with respect to determining whether each term in the current search query is also in the previous search

query. On the other hand, Barrett discloses determining whether each term in the current search query is also in the previous search query ([0034], lines 7-14, Barrett). Travis, Linden, and Barrett are analogous art because they are from the same field of endeavor of providing relevant results in response to queries within large databases. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Barrett's teachings into the Travis in view of Linden system. A skilled artisan would have been motivated to combine as suggested by Barrett at [0002], lines 12-18, in order to provide a technique which takes into account the age of uses, as well as other factors needed to refine relevant search results for users seeking information. As a result, the determination of whether each term in the current query is in the previous query helps increase efficiency and speed of the system.

Regarding Claims 8 and 28, the combination of Travis in view of Linden, and further in view of Barrett, disclose the method wherein comparing the current search query to a previous search query comprises determining the percentage of terms in the current search query that are also in the previous search query ([0034], lines 14-20, Barrett).

9. Claims 12-13 and 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Travis (US Patent Application No. 20040215607) filed April 25, 2003, in view of Linden (US Patent Application No. 20020019763) filed March 29,

2001 as applied to claims 1-6,9-11,14-26,29-31,and 34-37 above, and further in view of Petropoulos (US Patent No. 7,047,502) filed September 24, 2001.

Regarding Claims 12 and 32, the combination of Travis in view of Linden, disclose all of the claimed subject matter as stated above. However, the combination of Travis in view of Linden, are silent with respect to the mouse pointer not active in the content display. On the other hand, Petropoulos discloses to the mouse pointer not active in the content display (column 7, lines 23-41, Petropoulos). Travis, Linden, and Petropoulos are analogous art because they are from the same field of endeavor of webpage searching on the Internet or Intranet. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Petropoulos' teachings into the Travis in view of Linden system. A skilled artisan would have been motivated to combine as suggested by Petropoulos at column 2, lines 54-62, in order to provide preview information, which contains relevant information in the results list. As a result, improving the efficiency of analyzing search results and using the data gathered to refine and improve the search process.

Regarding Claims 13 and 33, the combination of Travis in view of Linden, and further in view of Petropoulos, disclose the method further comprising updating the content display if the mouse pointer is not approaching the content display (column 7, lines 57-62, Petropoulos).

Points of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chelcie Daye whose telephone number is 571-272-3891. The examiner can normally be reached on M-F, 7:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chelcie Daye
Patent Examiner
Technology Center 2100
September 29, 2006

JEFFREY GAFFIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100